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Empire State

ARCHITECT



MAY 1941
VOLUME I NUMBER 1

GREETINGS
YOUR SECRETARY SPEAKS
WHAT! NO ARCHITECT?
LEGAL PITFALLS
GREEK AID

1941 CONVENTION

L. C. Dillenbach, General Chairman for the 1941 committee announces that the dates of October 16th, 17th and 18th have been chosen and that the Hotel Syracuse will be our host. The committee has been actively working for several months and now awaits responses from the chairman at each of the Constituent organizations with recommendations for the convention program. Prompt co-operation in this regard will facilitate the drafting of an interesting program and make much easier the work of the General Committee. Those who attended the 1940 Convention in Rochester will be pleased to learn that Edwin Kaelber will again act as Convention Manager which assures everyone that an unusual treat is in store for him.

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TO THE ARCHITECTS OF NEW YORK STATE

Greetings

The Officers and directors of your State Association extend their greetings through this first number of our official publication. We hope that by this means you may become better informed of the work being done and attempted. By your criticisms the Committees may more intelligently carry out their purposes.

To the members of the profession not affiliated with us, a cordial invitation to join is extended. Since postal regulations prohibit we shall be unable to continue sending copies to persons other than subscribers except during a limited period. During these months we hope that you will see fit to apply for membership. No formalities are required other than a letter addressed to the Association in care of the Secretary, John T. Briggs, 101 Park Avenue, subscribing to the principles of the Association and agreeing to be bound by the Constitution and By-Laws and a statement that you are a licensed Architect in New York State. Your check for Two Dollars made to the order of Matthew W. Del Gaudio, Treasurer, should accompany your application. This will cover the cost of your subscription to the E.S.A. for the year as well as dues to December 31st, 1941.

A NEW MEMBER

Speaking of new members, may I introduce to you our new constituent organization, The Mid-Hudson Valley Architectural Society. Myron S. Teller is the President and Charles F. Pitts the Secretary. They have a most energetic program mapped out which should inspire many of our other organizations, especially the smaller groups which feel that their size limits their possibilities. In a future number will be a report on their publicity program. Their membership has not been formally completed, but I have taken the liberty of listing their President as a member of the Board of Directors.

YOUR COMMITTEES

The work of the Association, as of any membership organization, is largely done through committees.—While your Board of Directors is the governing body—it really functions as a committee. To apprise you of our annual meeting the minutes of the December meeting are contained in this issue. As news they should have appeared in January. But, one thing or another, incident to getting started, has postponed the first number to today. Those interested will appreciate the opportunity to learn what was done.

But the most active and hard working of all is our Legislative Committee, regarding whose work I venture to report now.

THE LEGISLATIVE COMMITTEE

Matthew W. Del Gaudio has been chairman of this important group for three years. Rightfully he should be writing this summary, but experience has proved that to tell you what he had done, it would be unwise to rely on his unassuming statements.

The members are:

Matthew W. Del Gaudio, 545 Fifth Avenue, New York, N. Y., Chairman.

John T. Briggs, 101 Park Avenue, New York, New York.

Charles C. Platt, 221 W. 57th Street, New York, New York.

Maxwell A. Cantor, 373 Fulton Street, Brooklyn, New York.

C. Storrs Barrows, 217 East Avenue, Rochester, New York.

Max H. Foley, 101 Park Avenue, New York, New York.

James Vedder, S. A. & K. Building, Syracuse, New York.

Sidney L. Strauss, 41 Union Square, New York, New York.

George A. Boehm, 2 West 45th Street, New York, New York.

William Cain, 2801 Pond Place, Bronx, New York.

Maxwell Cantor again acted as our legislation representative in Albany, visiting the capitol as required to present to the legislators our views on pending bills. Through his efforts four bills were introduced in behalf of the Association as directed by the Board at its annual meeting (see minutes), none passed, but next year we try again and again. The Secretary kept each member posted each week in the bills introduced. Each Thursday the committee members and the chairman of the Legislative Committee in your organization received a resume of every bill introduced which affected architects or the practice of architecture. One of them introduced by Mr. Ehrlich of Buffalo which provided, "No natural person shall ask or receive, directly or indirectly, compensation for appearing for a person other than himself as attorney in any court, or before any administrative officer, board, commission, department, agency, tribunal or other body acting in a judicial or quasi-judicial capacity under the authority of the state or any municipal corporation or other civil division of the state in any case where the proceedings involves the decision of questions of law of the preparation of a record which may be the basis of judicial review"

Our greatest efforts of the year were directed to helping suppress this measure. To mention any of those who helped in this fight is to risk omitting the names of others. But Louis Levine, Charles Butler, Walter Jago, Max Foley, George Smith, William Cain and many others did a great job and those who adopted a "Let George Do It" attitude should thank each of them. Replies from the legislators to such letters are always interesting. Some have a form letter, extremely courteous, committing themselves to nothing, others succinctly expressed themselves in a manner highly satisfactory, as Assemblywoman Jane Todd, who said, "Thank you for your letter relative to the Ehrlich bill, Int. 297. I, too, am opposed to this legislation and shall vote against it."

All in all John Briggs sent out 42 copies of 120 pages of reports, with the final report of bills enacted yet to come.

Of equal importance in this picture was the renewed effort of the C.I.O. Federation of Architects, Engineers and Technicians to put through a bill introduced by Senator Phelps

which would prevent any architect from being employed by the City of New York or any of its sub-divisions, except in a strictly advisory capacity. This bill, we are happy to report, died in Committee.

Not all work was negativistic. In cooperation with the New York Society of Professional Engineers a measure was introduced permitting architects and engineers to form a partnership. As we go to press this is still before the Governor.

On the side of greater participation by the profession in the design of public buildings, Chairmen Butler and Harmon struggled valiantly—but against insuperable odds. Our present tangent is to try and have every bill which is introduced for construction of public works amended to provide for the employment of private practitioners of architecture and engineering. If the membership as a whole will get back of this effort next year, there is a possibility of success.

NATIONAL AFFILIATION

Pursuant to the resolution adopted by the Board of Directors at the annual meeting, the President and Treasurer filed an application for membership in the American Institute of Architects as a State Member. All of the formalities having been completed and our dues having been paid for the current year, the New York State Association is now a State Member in good standing for the current year. A Letter Ballot has been sent to each of the Directors which should be returned to me on or before May 5th. Upon receipt of this and after tabulating, the delegates will be sent their credential cards immediately. There are really two Conventions, the first being the Conference of the State Associations and secondly, the Convention of the Institute. At each of these, New York State will be represented and will cast 17 votes which is about one-third of the total number accredited to the Conference of the Associations and about 5% of the total number accredited to the Institute Convention. From this you may readily appreciate the important role which the New York State Association may play in National Affairs.

FUTURE PLANS

While your officers and directors have plans and hopes for the future of our magazine, which are in general agreement, the course will and should be decided by the members. It is planned to keep space open for expressions of individual opinion and comment of the architect on architecture, practice, or our relationships with one another. Your criticisms of the E.S.A. are solicited. If you have a proposal you think should be considered here is the proper place for its introduction. The replies should indicate at once whether it has a popular appeal. Co-operation of the literary minded members of the profession is likewise necessary. Essays on architecture, fine arts, and kindred subjects are solicited, and likewise technical papers. With your help and co-operation we can make the E.S.A. a vital part of the profession. Will you?

JAMES WM. KIDENEY.

EMPIRE STATE ARCHITECT

THE OFFICIAL PUBLICATION
THE NEW YORK STATE ASSOCIATION OF ARCHITECTS, INC.

"The objects of this Association shall be to unite in fellowship for the progressive advancement and usefulness of the Architectural Profession, all the Architects approved by the State Board of Examiners and certified by the Board of Regents of the University of the State of New York, and represent and co-ordinate to the extent and in the manner herein set forth, all the architectural Organizations in the State." Article II—Section 1.

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606 City Bank Building, Syracuse, N. Y.
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Address all communications regarding the State Association to the Secretary, John T. Briggs, 101 Park Avenue, New York, N. Y., all editorial comments to Empire State Architect c/o the Editorial Board, 505 Franklin Street, Buffalo, N. Y., and inquiries regarding advertising to the Publisher.

Editorial Board — Albert Clay, Louis Levine, James William Kideney.

Publisher — Julian L. Kahle, 232 Anderson Place, Buffalo, New York.

Your Secretary Speaks

It was the meeting before Christmas of the Directors, December 14th, 1940, to be exact, and all were on hand, as were various Committee Chairmen, to partake of Administrative entrees and aperitifs as provided by the Profession of Architecture and the State Association's Convention.

We got off to an early start, for promptly at 10:05 A. M. that cheerful maestro of the gavel, President Kideney announced, "We are in session", and without more ado presented for deliberation the proposal of this Association to join the National American Institute of Architects for a larger and more widespread coordination and smoother amalgamation of our professional interests. There is hardly an Architect, so the Secretary believes, who does not favor unity of purpose and progressive forward action, in a determined yet flexible spirit. This spirit would have been implemented long ago, had not enthusiastic groups stumbled over the mechanics of its operation, and on this dirt road was the discussion, now, with Mr. Matthew Del Gaudio, Chairman, explaining foggy passages and toning down too bright pictures — until finally "on the question" revealed by Poll, with only one negative vote, that this Association is to apply for Member Body membership in the National American Institute of Architects. And, of course, the President was empowered to appoint the necessary committees, and to instruct them, and to endeavor to obtain for this Association more equitable representation in the National Convention.

After the gavel's "bong", President Kideney called upon the hardworking Legislative Committee for its report, Chairman Del Gaudio gave a general survey of the success of this committee in directing legislation and stressed the necessity of prompt and definite co-operation from all Member Bodies. Mr. Cantor then spoke urging individual Architects to interest their respective legislators in matters pertaining to construction and design, and public policy thereof. Mr. Briggs called attention to the gravity and extensive effects of proposed and enacted legislation reviewed by this committee. We of the committee felt that this Association should be an initiating as well as a reviewing agency in legislation. A request for suggestions showed that the Directors would like to reduce the exemptions where Architects are not required; also that Civil service employees be restrained from outside practice; that the Labor Laws be made more inclusive; President Kideney spoke of watching the new State Labor Code in preparation. All of which will be done, as the necessary resolutions empowering the Legislative Committee to take action and incur the usual expenses were passed, with a vote of thanks for 1940 results, pinned thereto.

So much legislative talk called to Mr. Barrow's mind the deplorable condition of Rochester real estate, where building investments are figured entirely in red, so that new construction is impossible. A lively discussion on tax structure followed which was eventually clarified by resolutions; Mr. Boehm against this Association taking any specific action re Rochester; and of Mr. Sidney Strauss, that tax structure in general be studied by a Committee, appointed by President Kideney, to ascertain how the real estate tax can be made more equitable; and said committee is to work with groups similarly minded.

This time the "bong's" echo seemed cheerful and sure enough Chairman Bessel, of the School Cost Committee, found out that twenty-two million dollars had been permanently encased in school buildings during the last sixteen years; some ninety-five of them at 56.9 per cubic foot top to 25 low, with 33.1 average cost. That sour note you heard earlier was that only five Architects were selected by competition, plus some more by designation. Well, School Boards

need education, and, for that matter, what awarding agency does not? So after prompting by Mr. Bessel this Association decided to send school awarding agencies a pamphlet; the Directors authorizing the costs thereof. The Joint Legislative Committee on School costs and State Aid is to be assisted also, through studies made by this Association, one item of which is our recommendation to this Joint Legislative Committee that a Board of Review be appointed by and paid from State funds, to approve all future plans and designs submitted to the State Board of Education. This recommendation for the Legislative consideration should be written in such a manner as to clearly indicate that said schools are most beneficial and economical to their communities when studied by local private Architects, attuned to the needs and peculiarities of their locality.

At this point, upon complaint of the Secretary that he had already written 30,000 words, President Kideney declared a recess for luncheon — it being 12:45.

Ever so much later the Directors reconvened and at 2:15 P. M. "bong" went the gavel again, and the vibrations moaned "costs". Yes, School Costs. Mr. Kideney, Mr. Ellis, Mr. Bessel and Mr. Strauss and others spoke. Then, by resolution adopted, this Association recommended to the Joint Legislative Committee a method of equitably adjusting the costs between the richer and the poorer districts so that every pupil shall have equal educational advantages. It is quite a resolution and I recommend both it and the illustrating examples to your study.

"Bong", and the tone signal announced Radio. Your Committee on Radio Publicity, with Mr. Wm. Lescaze, Chairman and General Announcer, assisted by the well wishes of his committee, has done much work and research. There have been down state meetings at the Columbia Broadcasting Station to listen to transcriptions of an actual program sponsored by our confreres at the other ocean boundary. These broadcasts explain to the public the wisdom of using the trained services of an Architect, to the result that 150 jobs for work totalling \$867,000 blossomed from an estimated listening public of 3 million. The listening public in this area would be 15 million, including many of the key men in the State and Nation, who need to be told again the simple truth that all buildings at all times are for defense, which to be useful must be designed. Buildings that are designed are architecture, no matter of what cube or of what content. Architecture is better designed by trained, experienced experts. Who are they? They are the ARCHITECTS.

The station costs are really low on a per member basis and while no method of financing was decided upon the resolution authorizing the President to act was preceded by one to try a down state broadcast for thirteen weeks; with no contributions from manufacturers but with some form of tax on the Architect's fee derived from these broadcasts to defray costs of the future air words.

I don't believe that the gavel "bonged" this time for next subject was printed words. An Association Bulletin for our members and maybe for all Architects in the State who would read and assist. President Kideney outlined to the Directors alternate proposals he had received from publishers, the details of which I refer you to the Archive minutes, and incidentally, it would be well for you to consult these minutes so you could follow the full work of your Committees.

Well, we, the Directors, laid in President Kideney's hands full authority to immediately arrange for Mr. Bulletin's birth money. Yes, he was voted some \$600 to mesh the gears. President Kideney has in mind quite a program. Be-

YOUR SECRETARY SPEAKS (Cont.)

sides serving the members, through intelligent information succinctly presented, said Bulletin may clink a few coins into the Treasurer's strong box.

Treasurer Del Gaudio heard his name and popped up with a very satisfactory report, upon which the pleased Directors bestowed a vote of thanks, for a difficult job well handled.

Whereupon followed convention news. 1941 CONVENTION, at Syracuse. The resolutions of acceptance are already on their way to Rolland B. Marvin, Mayor, City of Syracuse, N. Y.; Syracuse Chamber of Commerce, Syracuse, N. Y.; Mr. H. M. Day, Mgr. Hotel Syracuse, City. And again President Kideney and his Arrangement Committee are to be in charge of details. Those who rolled to Rochester in late September saw co-operation in action. Now that Architects have discovered how easy it's done, and how pleasantly the glow lingers, let's go to Syracuse in 1941.

As Chairman Boehm came forward we learned what all that buzzing at the rear of the room was about. The Nominating Committee had been in session. They presented their ticket with the statement that all of the officers had done a good job in 1940, and they hoped that maybe they could do a better one in 1941. After the Secretary cast one vote the Chair declared said officers elected and installed for 1941. The said officers are:

President: James Wm. Kideney, 505 Franklin Street, Buffalo, N. Y.

Vice-Presidents: Charles R. Ellis, 606 City Bank Bldg., Syracuse, N. Y.

C. Storrs Barrows, 217 East Avenue, Rochester, N. Y.

Charles C. Platt, 221 West 57th St., New York, N. Y.

Maxwell A. Cantor, 373 Fulton St., Brooklyn, N. Y.

Secretary: John T. Briggs, 101 Park Avenue, New York, New York.

Treasurer: Matthew Del Gaudio, 545 Fifth Avenue, New York, N. Y.

About this time the bounties were distributed. All the officers received a vote of thanks each—at which each coyly blushed and bowed and bowed.

Then a sad note twanged. We were informed by Mr. Heller, President of the Alumni Society of the School of Architects of N. Y. U. that the University had decided to close its School of Architecture. By a resolution passed the Secretary was directed to convey to the Chancellor this Association's regret at the about to be demise, and our willingness to co-operate if means can be found to continue the School of Architecture.

Mr. Platt reported for Chairman Butler, of Public Works Committee, that Mr. Butler was working with the Legislative Budget Committee to get included their appropriation an item for Architectural Services for new buildings erected by the State, thus assuring employment of private Architects.

Mr. Adolph Mertin, of Brooklyn, having thus far restrained himself, now opened the question of greater recognition of the Profession by the press. An appropriate resolution was adopted directing that a committee be appointed to lay out complaint before the editors. Mr. Mertin, being well equipped with ammunition has been appointed to proceed in this matter.

Our budget was next discussed, but please let me refer you to the full minutes for by now everybody was gasping, it being past six P. M. The Season's Greetings were exchanged hilariously, or as hilariously as possible after a day of President Kideney's swift gavel pacing.

JOHN T. BRIGGS.

LEGAL PITFALLS

Since enforcement of the Education Law has shifted its emphasis to preventing the licensed practitioner from aiding others in circumventing the law, many architects have found that, while acting in good faith, they entered into agreements which have proved embarrassing. As an assistance to the profession in avoiding such entanglements, your editor has referred to a competent authority the following questions relating to practice.

QUESTION — What is the status of a New York licensed architect who becomes an associate of a firm of architects or engineers, of which not all members are duly licensed to practice in New York State and the project involved is to be constructed in New York State?

ANSWER — Under the provisions of Paragraph 1479a of Article 56 of the Education Law charges may be preferred against any architect "(f) upon proof that the holder of such license aided and abetted in the practice of architecture any person not duly authorized to practice architecture under the provisions of this article (h) upon proof that the holder of such license permitted his seal to be affixed to any plans, specifications or drawings that were not prepared by him or under his personal supervision by his regularly employed subordinate . . ." If the architect so charged is found guilty the Board of Architect Examiners can recommend to the Board of Regents revocation, suspension or annulment of the license and/or registration of the accused, or reprimand or censure him. The unlicensed architect or architects with whom the licensed person was associated could be charged with a misdemeanor, as having violated the provisions of subdivision 1 of paragraph 1480 which provides:

"It shall be a misdemeanor for any person to practice or offer to practice, hold himself out as entitled to practice architecture unless duly licensed and registered as provided by this article . . ."

In 1921 the Attorney General rendered the following opinion:

"You state that Mr. Doe*, a registered architect, and Mr. Roe*, a civil engineer, have formed a partnership under the firm name of "Doe and Roe" and proposed to use a letter-head reading as follows:

DOE AND ROE
Architects

John Doe Richard Roe, C. E.

You inquire if this would constitute a violation of Article 7a of the General Business Law.

Section 77 of Article 7a of the General Business Law provides as follows:

"REGISTERED ARCHITECTS. Any person residing in or having a place of business in this State, who, before this article takes effect, shall not have been engaged in the practice of architecture in New York State, under the title of architect, shall, before being styled or known as architect, secure a certificate of his qualifications to practice under the title of architect; as provided by this article. Any person who shall have been engaged in the practice of architecture under the title architect, before this article takes effect, may secure such certificate, in the manner provided by this article.

Any person having a certificate pursuant to this article may be styled or known as a registered architect. No other person shall assume such title or use the abbreviation R.A. or any other words, letters or figures to indicate that the person using the same is a registered architect; this article shall not be construed to prevent persons other than architects from filing applications for building permits or obtaining such permits."

Concededly Mr. Roe is not an architect and the law specifically prohibits him from being styled or known as an

architect. It seems clear to me that the use of the word "architects" in the letterhead is a styling of Mr. Roe as an architect and clearly a violation of the expressed provisions of the statute."

Charles D. Newton, Attorney General, dated June 3, 1921, to Smith and Brown, New York City.

On March 29, 1933, the Attorney General rendered the following opinion:

"This will acknowledge your letter of March 23, 1933. The opinion of the Attorney General to the effect that two individuals might not use the letterhead including the two names with the designation "architects" when only one of them was a licensed architect is to be found in the "Report of the Attorney General 1921" on page 295.

Article 56 of the Education Law presently contains the prohibition similar to that referred to in the Attorney General's opinion—paragraph 1476 of the Education Law, providing in part: "... provided, however, that nothing herein contained shall be construed to permit any person not licensed as provided in this article to use the title architect, or any title, sign, card or device to indicate that such person is practicing architecture."

Your attention is likewise called to another provision of the same section to the effect that "this article shall not be construed to ... prevent employees of those lawfully practicing as architects under the instruction, control or supervision of their employer: ..."

You are no doubt aware that the Attorney General acts as legal adviser only to officials and departments of the State. The foregoing statement is, therefore, furnished informally for your information."

From the foregoing, it is obvious that before any architect in New York State agrees to act as an associate or agent for or with another individual, or firm, especially one whose place of business is without the state, he should ascertain that the individual or all members, if a firm, are properly licensed to practice in New York State.

The highly desirable partnership of an architect and engineer will be permitted if a bill passed at the last session is approved by the Governor.

QUESTION — If a set of plans and specifications prepared by a person not licensed to practice architecture or engineering in New York State is brought to the architect with the request that he place his seal thereon so the Owner may obtain a building permit, can the architect do so, and under what circumstances?

ANSWER — The architect will again violate the provisions of paragraph 1479a of Article 56, subdivision F, if he does affix his seal to such plans. The only way in which a licensed architect could properly undertake to execute this work would be to contact and obtain from the owner authority to prepare the necessary plans and specifications. If he desired he could redraw the plans already prepared by the unlicensed person himself or have them redrawn under his personal supervision by his regularly employed subordinates, but under no circumstances could he consider the unlicensed person as associate of his or affix his seal to the plans already prepared.

Next Month: — If a builder does not possess a license to practice architecture or engineering, but offers plans and specifications as a part of his service, does he violate the Education Law? May an architect legally prepare plans and specifications for such a builder who offers them to owners as a part of the Contractor's services?

AN URGENT MESSAGE

Greece, with a population about the size of New York's, has had the stamina to stand up to the threatening forces of a nation many times its size. The Greek people now face the Nazis. As at Thermopylae they are still holding the pass! History may well prove that Greek courage has turned the tide of this war.

Such heroism has been at a sacrifice beyond modern American experience. Every able bodied man and woman in Greece is working to save Greece from conquest. Schools and colleges are closed and the youth of the country are engaged in war effort. The one thought is to resist conquest, and their bravery in gaining the first victory of the war is a tremendous contribution to the ultimate victory against the Dictators. The Greek people are facing exhaustion and starvation. Greek Americans have given millions of dollars. More millions are needed.

American architects! We must open our hearts wider. We must give of our effort and money. This is a national appeal to architects. Won't you help by sending a check to: Eric Gugler, Treasurer—115 East 40th Street, New York City. It will be promptly and fully used to help the great distress of civilian Greece.

Do not fail Greece!

W. STUART THOMPSON, *Chairman.*
American Architects' Committee
for War Relief in Greece.

WHAT! NO ARCHITECT?

On October 14, 1940 your President formed a Committee on Radio Publicity for the purpose of investigating the possibilities of radio as a means of informing the public at large and public authorities in general of the services architects are trained to render.

The Southern Division of the California State Association of Architects sponsored a broadcasting series for a 26 week period from April 28 to October, 1940 under the general title of "What, No Architect?" Broadcasts took place from 10:45 to 11:00 A. M. on Sunday and explained the services of an architect particularly in the field of small homes.

The total costs for both time and talent were \$3,250, using one station KNX—which covered the desired territory. As a result of the broadcasts it is reported that 150 jobs requesting architectural services for work amounting to \$867,300 were obtained; that the total listening public could be estimated at 3,000,000 people; that new members were obtained for the Association and interest of existing members in their Association was increased.

The above tells briefly the story of the California experiment. A second series is to be started this winter.

The Committee on Radio Publicity of the New York State Association of Architects examined the situation here, which is obviously quite different. In the first place, no one station would cover the desired territory. In the second place, all costs here are much greater. The Committee reported its findings to the Board of Directors at its meeting of December 14th and was directed by the Board to continue its work and prepare a definite plan.

The success of your Committee's efforts will greatly depend on the interest in this project of each and every member of the New York State Association of Architects, and in his or her willingness to contribute toward its realization. Every constituent group of the Association should appoint a member or a Committee on Radio Publicity.

WILLIAM LESCAZE.

